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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,354	09/24/2003	Saed Sayad	059108-0001	4714

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CANADA

02/18/2009

EXAMINER
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HIRL, JOSEPH P

ART UNIT	PAPER NUMBER
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2129

MAIL DATE	DELIVERY MODE
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02/18/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/668,354	<b>Applicant(s)</b> SAYAD, SAED	
	<b>Examiner</b> Joseph P. Hirl	<b>Art Unit</b> 2129	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This Office Action is in response to an AMENDMENT entered December 22, 2008 for the patent application 10/668,354 filed on September 24, 2003.
2. All prior office actions are fully incorporated into this Final Office Action by reference.

### ***Status of Claims***

3. Claims 1-32 are pending in this application.

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 4-8 and 24-28 are rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. Claim 4 cites a “data matrix having a row and a column for each variable.” Such a limitation creates an identity matrix where the input is identical to the output since the same variable represents both a row and a column. Hence the “knowledge entity accumulation of combination of knowledge elements for each variable in the intersection of the corresponding row and column” will have no knowledge. Hence claim 4 has no utility or value. Since claims 5-8 are dependent on claim 4, such claims also have not utility or value. Claims 24-28 are similarly rejected.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 4-8 and 24-28 are rejected under 35 USC 112, first paragraph because current case law (and accordingly, the MPEP) require such a rejection if a 101 rejection is given because when Applicant has not in fact disclosed the practical application for the invention, as a matter of law there is no way Applicant could have disclosed how to practice the undisclosed practical application. This is how the MPEP puts it:

("The how to use prong of section 112 **incorporates as a matter of law** the requirement of 35U.S.C. 101 that the specification disclose as a matter of fact a practical utility for the invention.... If the application fails as a matter of fact to satisfy 35 U.S.C. 101, then the application also fails as a matter of law to enable one of ordinary skill in the art to use the invention under 35 U.S.C. § 112."; In re Kirk, '376 F.2d 936, 942, 153 USPQ 48, 53 (CCPA 1967) ("Necessarily, compliance with § 112 requires a description of how to use presently useful inventions, **otherwise an applicant would anomalously be required to teach how to use a useless invention.**"). See, MPEP 21107.01 (IV), quoting In re Kirk (emphasis added).

Therefore, claims 4-8 and 24-28 are rejected on this basis.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 9-23, and 29-33 rejected under 35 U.S.C. 102(b) as being anticipated by Amado (USPN 5,701,400, referred to as **Amado**).

Examiner's Note (EN): ¶ 16. applies. A proper response to this office action requires the applicant to address each and every application of prior art to each and every claim and explain the specific applicability or lack thereof of such prior art. Mere generalities are improper.

**Claims 1, 10, 11, 12, 13, 14, 16, 17, 21**

Amado anticipates a computer linked to one or more data sources adapted to provide to the computer a plurality of knowledge elements (**Amado**, Fig. 1, c2:50-65; c35:64-67; c36:1-8; EN: ¶ 17. applies; knowledge elements are synonymous with the rules of a knowledge base); and an analytical engine, linked to or executed by the computer, that is operable to enable intelligent modeling, by the analytical engine applying one or more intelligent characteristics to one or more of the plurality of knowledge elements, the intelligent characteristics including one or more of (i) immediately utilizing new data, (ii) purposefully ignoring certain data, (iii) incorporating

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new variables, and/or (iv) not using specific variables wherein the analytical engine includes a data management system for accessing and processing the knowledge elements (**Amado**, Figs. 1, 7, c35:64-67; c36:1-8; c36:60-67;c37:1-3; EN: analytic engine is synonymous with expert system and associated inference engine; such expert system will immediately utilize new data in an if-then rule and through such rule will then ignore, incorporate and/or not use specific variables; Fig. 1 is a DBMS; subdividing is equivalent to distributed data of Fig. 1; combining of the knowledge entities occurs in the application of the if-then rules ... similar knowledge entities will have similar rules; prediction is inherent in application of if-then rules ... the “if” is the present and the “then” is the prediction; variable reduction occurs with the application of the if-then-rules which would gather similar but slightly different “if” conditions and assign the same “then” ... reducing the number of variables; Fig. 1 anticipates a querying engine; the application of if-then rules is synonymous with applying the intelligent modeling to the single knowledge entity).

### **Claims 2, 22**

Amado anticipates the analytical engine defines one or more knowledge entities, each of which is comprised of at least one knowledge element (**Amado**, Fig. 1, c2:50-65; c35:64-67; c36:1-8; EN: expert system identifies a rule if-then and the knowledge element results from the “then” condition).

### **Claims 3, 23**

Amado anticipates the analytical engine is adapted to update dynamically the knowledge elements with a plurality of records and a plurality of variables (**Amado**, Fig.

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1, c2:50-65; c35:64-67; c36:1-8; EN: expert system identifies a rule if-then and the knowledge element results from the “then” condition).

### **Claims 9, 29**

Amado anticipates the analytical engine enables application to the knowledge entity of one or more of: incremental learning operations, parallel processing operations, scenario testing operations, dimension reduction operations, dynamic query operations or distributed processing operations (**Amado**, Fig. 1).

### **Claim 15**

Amado anticipates the step of successively applying a series of new variables so as to accomplish further dimension reduction. (**Amado**, Fig. 1, c2:50-65; c35:64-67; c36:1-8; EN: variable reduction occurs with the application of the if-then-rules which would gather similar but slightly different “if” conditions and assign the same “then” ... reducing the number of resulting conditions).

### **Claim 18**

Amado anticipates a) enables one or more records, to be added or removed dynamically to or from the knowledge entity (**Amado**, Fig. 1, c2:50-65; c35:64-67; c36:1-8; EN: such is the application of if-then rules); b) enables one or more variables to be added or removed dynamically to or from the knowledge entity (**Amado**, Fig. 1, c2:50-65; c35:64-67; c36:1-8; EN: such is the application of if-then rules); c) enables use in the knowledge entity of one or more qualitative and/or quantitative variables (**Amado**, Fig. 1, c2:50-65; c35:64-67; c36:1-8; EN: such is the application of if-then

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rules); and d) supports a plurality of different data analysis methods (**Amado**, Fig. 1, c2:50-65; c35:64-67; c36:1-8; c36:60-67; c37:1-3).

### **Claim 19**

Amado anticipates the knowledge entity is portable to one or more remote computers (**Amado**, c7:50-52).

### **Claim 20**

Amado anticipates the intelligent modeling applied to relevant knowledge elements enables one or more of: a) credit scoring; b) predicting portfolio value from market conditions and other relevant data; c) credit card fraud detection based on credit card usage data and other relevant data; d) process control based on data inputs from one or more process monitoring devices and other relevant data; e) consumer response analysis based on consumer survey data, consumer purchasing behavior data, demographics, and other relevant data; f) health care diagnosis based on patient history data, patient diagnosis best practices data, and other relevant data; g) security analysis predicting the identity of a subject from biometric measurement data and other relevant data; h) inventory control analysis based on customer behavior data, economic conditions and other relevant data; i) sales prediction analysis based on previous sales, economic conditions and other relevant data; j) computer game processing whereby the game strategy is dictated by the previous moves of one or more other players and other relevant data; k) robot control whereby the movements of a robot are controlled based on robot monitoring data and other relevant data; and l) a customized travel analysis whereby the favorite destination of a customer is predicted based on previous behavior



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and other relevant data; and (**Amado**, c15:56-67; c16:1-67; c17:1-59; EN: the litany of applications is anticipated by the few tools that Amado discusses that are good examples of the current state of the prior art when Amado filed in March 8, 1995).

**Claim 30**

Amado anticipates the analytical engine enables process control (**Amado**, c7:24-29).

**Claim 31**

Amado anticipates the analytical engine enables fault diagnosis (**Amado**, c54:39-58).

**Claim 32**

Amado anticipates the method is implemented in a digital signal processor chip or any miniaturized processor medium (**Amado**, Fig. 1; EN: such is what a computer is all about ... processor chips).

***Response to Arguments***

10. The rejection of claim 32 under 35 USC § 101 is withdrawn.
11. The rejection of claims 20 and 21 under 35 USC § 101 are withdrawn.
12. Applicant's arguments filed on December 22, 2008 related to Claims 1-32 have been fully considered but are not persuasive.

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In reference to Applicant's argument:

Claims 4-8 and 24-28

The Examiner stated that claims 4-8 and 24-28 were rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility. More specifically the Examiner stated:

Claim 4 cited a "data matrix having a row and a column for each variable." Such a limitation creates an identity matrix where the input is identical to the output since the same variable represents both a row and a column. Hence the "knowledge entity accumulation of Combination of knowledge elements for each variable in the intersection of the corresponding row and column" will have no knowledge. Hence claim 4 has no utility or value ...

Agent for Applicant respectfully submits that the Examiner's objection is based on a misunderstanding of what is meant by a "data matrix" in the present application. In the present application, a "data matrix" is not merely a listing of variable values and also is not an identity matrix. An example of a "data matrix" used in the present application is given at paragraph 40 of the specification; which presently reads:

[0040] The learner 44 transforms the collected data into the knowledge entity of FIG. 3 as each measurement is received. As can be seen in FIG. 3, the knowledge entity 46 is organized as an orthogonal matrix having a row and a column for each of the sensed operating parameters. The intersection of each row and column defines a cell in which a set of combinations of the variable in the respective row and column is accumulated. "

Figure 3 presently appears as follows:

(See application drawings)

As can be seen in the above Figure 3, the data matrix may be neither merely a listing of variable values nor an identity matrix. Further examples in the description of data matrices implementing the knowledge entities of the present invention include Table 2 (referred to as paragraph 47 of the specification), Table 6 (referred to at paragraph 75), and and. Table 9 (referred to at paragraph 86 of the specification).

Therefore, Agent for Applicant respectfully submits that it is inaccurate that "knowledge entity accumulation of combination of knowledge elements for each variable in the intersection of the corresponding row and Column" will have no knowledge. As such, claims 4-8 and 24-28 are in allowable form as they do not lack utility or value. The utility or Value clearly resides in the ability to update the knowledge elements given the specific knowledge entity structure that is described, which is highly novel and unobvious.

Examiner's response:

See ¶ 16 below. The claims and only the claims form the metes and bounds of the invention. Limitations appearing in the specification but not recited in the claim are not read into the claim. The Examiner has full latitude to interpret each claim in the broadest reasonable sense. The claims need to be appropriately limited.

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In reference to Applicant's argument:

Agent for Applicant respectfully submits that: Amado and the present invention are directed at completely different inventions that each serve a different purpose. The two inventions do not overlap, but rather provide complementary systems and methods that may, in fact, be used in conjunction. Furthermore, Amado does not constitute analogous art.

Examiner's response:

¶ 16. below applies. See MPEP § 2131.05 regarding 35 USC 102 (b) and nonanalogous art.

In reference to Applicant's argument:

Page 13 - lines 24-26, page 14 – all, page 15, all, page 16, lines 1-4

Examiner's response:

¶ 16. below applies. Appropriate arguments must relate specifically to the claim set by specific limitation.

In reference to Applicant's argument:

Agent for Applicant respectfully submits that (i) knowledge.: elements are. not synonymous with the rules of a knowledge base; (ii) the analytic engine is not synonymous with "conventional"• expert system and associated inference engine; and (iii) application of if-then rules is not synonymous with applying the intelligent modeling to the single knowledge. entity.

(i) Knowledge elements are not synonymous with the rules of a knowledge base

Examiner's response:

General allegations that merely deny applicability of Examiner's prior art are not proper (37 CFR 1.111, ¶ 16. below applies.).

In reference to Applicant's argument:

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(ii) The analytic engine is not synonymous with a "conventional" expert system and associated inference engine.

Examiner's response:

¶ 16. below applies. Simply, there is nothing to prevent the Examiner from broadly interpreting an analytic engine to include an expert system and associated inference engine. The claims and only the claims form the metes and bounds of the invention.

In reference to Applicant's argument:

(iii) Application of if-then rules is not synonymous with applying the intelligent modeling to the single knowledge entity

Examiner's response:

¶ 16. below applies. Simply, there is nothing to prevent the Examiner from broadly interpreting if-then rules to intelligent modeling to the single knowledge entity. If a condition is met, then something follows ... the intelligent model is the rule ... the application is to a single knowledge entity. The claims and only the claims form the metes and bounds of the invention.

In reference to Applicant's argument:

Agent for Applicant respectfully submits that the knowledge element does not result from the expert system. Amado defines an expert system in a very general way at column 2, lines 50 through 65. It may be possible to sometimes transform the entire method invented by Sayad (not just the Analytical Engine) into a set of rules. By Amado's definition of an expert system, it may also be possible to then term the Sayad invention as an "unconventional" expert system dedicated to data analysis and prediction for example. However, this still does not result in anticipation by Amado. Amado does not disclose any expert system and certainly, does not disclose an expert system implemented using the technology described in Sayad. In fact, Amado provides many examples of commercial expert systems. Rather, it is the integration of expert systems in a computer system in a particular way that is claimed. Sayad does not attempt to specify how his invention should be used in the "macro-system" envisioned by Amado.

Examiner's response:

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¶ 16. below applies. Amado discloses an expert system at c2:50-65. Again, the claims and only the claims form the metes and bounds of the invention.

In reference to Applicant's argument:

In reference to Applicant's argument:

Agent for Applicant respectfully submits that the knowledge element does not result from the expert system. As mentioned above, the definition of the knowledge elements and their updating so as to obtain a model which is continuously and "instantaneously" updated is part of Sayad and not anticipated by Amado.

In examining how often Amado's system is updated, Amado admits to not being able to respond "on-the-fly": Amado contrasts its invention with existing EIS systems providing a few diagnostics on the fly (see Amado at column 26, lines 50 through 67). The Sayad invention, although not an EIS system, provides its information "on the fly". In any event, as detailed above, the Amado and Sayad inventions are dealing with different systems for different purposes.

Examiner's response:

¶ 16. below applies. Again, the claims and only the claims form the metes and bounds of the invention. Sayad does not limit to "on the fly."

In reference to Applicant's argument:

Agent for Applicant respectfully submits that the Amado and Sayad inventions are directed toward different systems for different purposes, as explained above, and therefore these aspects of Sayad are not anticipated by Amado. Therefore, Applicant respectfully submits that claims 9 and 29 are in allowable form.

Examiner's response:

¶ 16. below applies. General allegations that merely deny applicability of Examiner's prior art are not proper (37 CFR 1.111).

In reference to Applicant's argument:

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Agent for Applicant respectfully submits that the Amado and Sayad inventions are directed toward different systems for different purposes; as explained above, and therefore Claim 15 is not anticipated by Amado. Therefore, Applicant respectfully submits that claim 15 is in allowable form.

Examiner's response:

¶ 16. below applies. General allegations that merely deny applicability of

Examiner's prior art are not proper (37 CFR 1.111).

In reference to Applicant's argument:

Agent for Applicant respectfully submits that the Amado and Sayad inventions are directed toward different systems for different purposes, as explained above, and therefore. Sayad is not anticipated by Amado. In addition, Amado does not disclose a "knowledge entity" as disclosed by Sayad in part because no intelligent modeling method is described in Amado, but rather the use of the results of application of such a method. Therefore, Applicant respectfully submits that claim 18 is in allowable form.

Examiner's response:

¶ 16. below applies. General allegations that merely deny applicability of

Examiner's prior art are not proper (37 CFR 1.111, ¶ 16. below applies).

In reference to Applicant's argument:

Agent for Applicant respectfully submits that the Amado and Sayad inventions are directed toward different systems for different purposes, as explained above, and therefore Claim 19 is not anticipated.

Examiner's response:

¶ 16. below applies. General allegations that merely deny applicability of

Examiner's prior art are not proper (37 CFR 1.111, ¶ 16. below applies).

In reference to Applicant's argument:

Agent for Applicant respectfully submits that the Amado and Sayad inventions are .. directed toward different systems for different purposes, as explained above. Therefore, Applicant respectfully submits that claim 20 is in allowable form.

Examiner's response:

¶ 16. below applies. General allegations that merely deny applicability of Examiner's prior art are not proper (37 CFR 1.111, ¶ 16. below applies).

In reference to Applicant's argument:

Agent for Applicant respectfully submits that the Amado and Sayad inventions are directed toward different systems for different purposes, as explained above, and therefore Claim 30 is not anticipated by Amado. Therefore, Applicant respectfully submits that claim 30 is in allowable form.

Examiner's response:

¶ 16. below applies. General allegations that merely deny applicability of Examiner's prior art are not proper (37 CFR 1.111, ¶ 16. below applies).

In reference to Applicant's argument:

Agent for Applicant respectfully submits that the Amado and Sayad inventions are directed toward different systems for different purposes, as explained above, and therefore claim 31 is not anticipated by Amado. Therefore, Applicant respectfully submits that claim 31 is in allowable form.

Examiner's response:

¶ 16. below applies. General allegations that merely deny applicability of Examiner's prior art are not proper (37 CFR 1.111, ¶ 16. below applies).

In reference to Applicant's argument:

Agent for Applicant respectfully submits that the Amado and Sayad inventions are directed toward different systems for different purposes, as explained above, and therefore claim 32 is not anticipated by Amado. Therefore, Applicant respectfully submits that claim 32 is in allowable form.

Examiner's response:

¶ 16. below applies. General allegations that merely deny applicability of Examiner's prior art are not proper (37 CFR 1.111, ¶ 16. below applies).

### ***Examination Considerations***

13. The claims and only the claims form the metes and bounds of the invention. "Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)" (MPEP p 2100-8, c 2, I 45-48; p 2100-9, c 1, I 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.

14. Examiner's Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner's Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.



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15. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.

16. Examiner's Opinion: ¶¶ 13.-15. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

### ***Conclusion***

17. This is a continuation of applicant's earlier Application No. 10/668, 354. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

18. Claims 1-32 are rejected.

***Correspondence Information***

19. Any inquiry concerning this information or related to the subject disclosure should be directed to the Primary Examiner, Joseph P. Hirl, whose telephone number is (571) 272-3685. The Examiner can be reached on Monday – Thursday from 4:00 a.m. to 3:30 p.m.

As detailed in MPEP 502.03, communications via Internet e-mail are at the discretion of the applicant. Without a written authorization by applicant recorded in the applicant's file, the USPTO will not respond via e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122. A paper copy of such correspondence will be placed in the appropriate patent application. The following is an example authorization which may be used by the applicant:

Notwithstanding the lack of security with Internet Communications, I hereby authorize the USPTO to communicate with me concerning any subject matter related to the instant application by e-mail. I understand that a copy of such communications related to formal submissions will be made of record in the applications file.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David R. Vincent can be reached at (571) 272-3080.

Any response to this office action should be mailed to:

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or faxed to:

(571) 273-8300 (for formal communications intended for entry.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Joseph P. Hirl/  
Primary Examiner, Art Unit 2129  
February 9, 2009